

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-604-E - ORDER NO. 93-577 ✓
JULY 8, 1993

IN RE: Judy Goodman,)	
)	
Complainant,)	
)	
vs.)	ORDER DENYING
)	PETITION FOR
Carolina Power & Light)	REHEARING AND
Company,)	PROCESSING NEW
)	COMPLAINT
Respondent.)	

This matter is before the Public Service Commission of South Carolina (the Commission) on Complainant Judy Goodman's (Complainant's or Ms. Goodman's) Petition for Rehearing of Order No. 93-488. Ms. Goodman asserts that after the hearing in this matter¹ she received a May 24, 1993, bill from Respondent Carolina Power & Light Company (Respondent or CP&L). According to Ms. Goodman, the bill for the mobile home located on her mobile home lot, now occupied by the Wilkes family,² was "remarkably lower than it had been...". Ms. Goodman also states that the May 24, 1993,

1. The hearing was held on May 19, 1993.

2. Ms. Goodman states that Wilkes began renting her mobile home lot and receiving electrical service from CP&L on April 26, 1993, one day before the replacement of the transformer.

bill for the brick home where she currently resides was approximately 1/5 to 1/6 of prior bills for the home. Ms. Goodman attributes these lower bills to CP&L's replacement of a transformer on April 27, 1993.

In order to grant a new trial based on after-discovered evidence, the applicant must demonstrate the following:

(1) ...the evidence is such as will probably change the result if a new trial is granted, (2) ...it has been discovered since the trial, (3) ...it could not have been discovered before the trial by the exercise of due diligence, (4) ...it is material to the issue, and (5) ...it is not merely cumulative.

Bettis v. Busbee, 283 S.C. 502, 323 S.E.2d 536 (Ct. App. 1984) citing Ortowski v. Ortowski, 237 S.C. 499, 117 S.E.2d 860(1961).

The Commission finds it unlikely that Ms. Goodman's after-discovered evidence would change its conclusion if a new hearing was granted. The Commission finds it just as probable that the consumption of less electricity for the period was the result of seasonal weather and the use of different appliances and a different lifestyle by new occupants of the mobile home lot rather than replacement of a transformer. Moreover, the Commission finds it likely that changes in usage could have affected Ms. Goodman's electric bill for the brick home.

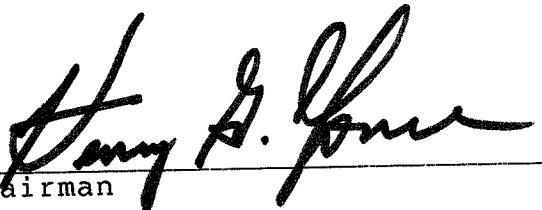
Further, the Commission was persuaded by testimony at the hearing that CP&L had checked its facilities and found nothing wrong with service to Ms. Goodman's mobile home. Additionally, the Commission was convinced that there were no problems with the accuracy of Ms. Goodman's electric meter. For these reasons, the

Commission denies Ms. Goodman's Petition for Reconsideration of Order No. 93-488.

The Commission directs the Staff to process Ms. Goodman's new complaint regarding service to the brick home in accordance with established procedures. CP&L, however, is hereby directed to conduct an energy audit of Ms. Goodman's brick home. This energy audit is a requirement for processing Ms. Goodman's new complaint.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)